

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

HOLLY GREEN,

Plaintiff,

v.

Case No. 2:19-cv-00556-JLB-NPM

DR. KELLY MALINOSKI, LLC, a Florida  
limited liability company, and DR. KELLY  
MALINOSKI, and individual,

Defendants.

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**ORDER**

The parties have filed a joint stipulation for dismissal with prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(ii), which would normally dismiss the case without further involvement from the Court. (Doc. 28); Anago Franchising, Inc. v. Shaz, LLC, 677 F.3d 1272 (11th Cir. 2012). But Count I of the complaint is a claim for back wages under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §§ 201–19. (Doc. 1 at 7–8.) Such claims may be settled only with approval from the Court or the Secretary of Labor. See Lynn’s Food Stores, Inc. v. United States, 679 F.2d 1350 (11th Cir. 1982); Flood v. First Family Ins., Case No. 2:20-cv-623-JLB-NPM, 2021 WL 211268 (M.D. Fla. Jan. 21, 2021).

Accordingly, it is **ORDERED** that:

1. The parties’ stipulation of dismissal (Doc. 28) is **STRICKEN**. The parties are free to file a revised stipulation of dismissal as to Count II of the complaint only.

2. The parties are directed to file a motion for court approval of their settlement as to Count I (FLSA) that includes both the settlement agreement as well as sufficient additional information for the Court to assess the bona fides of the parties' dispute and the precise contours of their resolution.

**ORDERED** in Fort Myers, Florida, on January 26, 2021.

A handwritten signature in black ink, reading "John L. Badalamenti". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

**JOHN L. BADALAMENTI**  
**UNITED STATES DISTRICT JUDGE**